

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) RECEE APFEL, individually, and)	
AL APFEL, individually, and)	
As Husband and Wife,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: CIV-18-608-M
)	
)	(Removed from Oklahoma County
(2) STATE FARM MUTUAL)	CJ-2018-2802)
AUTOMOBILE INSURANCE COMPANY,)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant State Farm Mutual Automobile Insurance Company (“State Farm”) and, pursuant to 28 U.S.C. §§ 1441(a), 1441(b) and 1446(b)(2)(A), Fed.R.Civ.P. 81 and LCvR 81.2, removes this case from the District Court of Oklahoma County, State of Oklahoma. In support thereof, State Farm would show as follows:

I. FACTS SUPPORTING REMOVAL:

1. On May 23, 2018, Plaintiffs Recee Apfel, individually, and Al Apfel, individually, and As Husband and Wife filed this action in the District Court of Oklahoma County, State of Oklahoma. The case filed by Plaintiffs was assigned Case No. CJ-2018-2802. (Exhibit 1 – Plaintiffs’ Petition.)

2. Plaintiffs caused summons to be issued and, on June 18, 2018, State Farm was served with the Petition and Summons.

3. This Notice of Removal is timely filed in that it was filed within thirty (30) days of the date on which State Farm was served with Plaintiffs' Petition. 28 U.S.C.A. § 1446(b).

4. This Court has jurisdiction over this action, as shown below, based on 28 U.S.C. § 1332, because the parties are citizens of different states and the amount in controversy is excess of \$75,000, exclusive of interest and costs.

5. Plaintiffs are, upon information and belief, a resident and citizen of the State of Oklahoma. (Exhibit 1, p. 1)

6. State Farm is a corporation organized under the laws of the State of Illinois with its principal place of business in Bloomington, McLean County, Illinois. (Exhibit 1, p. 1, ¶ 3.)

7. Plaintiffs admit, in their Petition, that they are seeking damages in excess of the amount required for diversity jurisdiction under 28 U.S.C.A. § 1332. (Exhibit 1, p. 2)

8. Accordingly, because there is complete diversity among the parties and because Plaintiffs are seeking damages in excess of \$75,000, the Court has jurisdiction over this matter under 28 U.S.C.A. § 1332 and removal is proper under 28 U.S.C.A. § 1441(a).

II. DOCUMENTS FILED IN STATE COURT:

Pursuant to 28 U.S.C.A. §§ 1446(a), 1449 and LCvR 81.2, the only documents filed in the District Court of Oklahoma County, Oklahoma are Plaintiffs' Petition, Summons Issued to State Farm and Return of Original Summons Served to State Farm. A copy of

the Docket Sheet for Case No. CJ-2018-2802 from the District Court of Oklahoma County, Oklahoma is attached hereto as Exhibit 2.

There are no motions pending in the case at the time of the filing of this Notice of Removal.

III. JURY TRIAL DEMAND:

Plaintiffs did not demand a jury trial in state court prior to removal. Pursuant to Fed.R.Civ.P. 38 and 81(c)(3) and LCvR 81.1, State Farm demands a jury trial of this removed case.

IV. NOTICE TO STATE COURT:

Pursuant to 28 U.S.C.A. § 1446(d), a copy of this Notice of Removal is being mailed to the opposing party and to the Court Clerk for the District Court of Oklahoma County, Oklahoma.

CONCLUSION

WHEREFORE, Defendant State Farm Mutual Automobile Insurance Company respectfully removes this action from the District Court of Oklahoma County, Oklahoma to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/ Michael W. Brewer

Michael W. Brewer, OBA No. 11769

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Bria Hanlon
Daniel P. Markoff
Joe Carson

This will further certify that a true and correct copy of the above and foregoing ***Notice of Removal*** was mailed postage prepaid on this 21st day of June, 2018, to the following:

Oklahoma County Court Clerk
320 Robert S. Kerr Avenue
409 County Office Bldg.
OKC, Oklahoma 73102

/s/ Michael W. Brewer

Michael W. Brewer